

DISPOSITION: Defendant Arnett filed a motion for dismissal on the grounds that the information did not state an offense with sufficient certainty to permit him to prepare an adequate defense, that the information did not allege the location from which the tablets were shipped, the name of the shipper or that the defendant knew the tablets had been part of an interstate shipment. Defendant Bates also filed a motion for dismissal on the ground that her name was in fact Bates and not Bales, as alleged in the information. On 9-30-60, after consideration of the briefs of the parties, the court denied the motions but permitted the information to be amended to change the name Bales to Bates.

Thereafter Defendant Elder entered a plea of guilty to counts 1 and 2 of the information and, on October 24, 1960, was given a suspended sentence of 6 months in jail and placed on probation for 2 years.

Defendants Arnett and Bates subsequently entered pleas of guilty to count 3 and (Arnett only) to count 4. On 4-29-61, such defendants were each fined \$500, plus costs. Arnett was also sentenced to serve 6 months in jail, and Bates was given a suspended sentence of 6 months in jail and placed on probation for 2 years.

6831. (F.D.C. No. 45660. S. Nos. 19-341/2 R.)

INFORMATION FILED: 7-14-61, E. Dist. Mich., against Jerome J. Ratajczak, Detroit, Mich.

CHARGE: Between 3-21-60 and 4-7-60, *dextro-amphetamine sulfate tablets* were dispensed twice without a prescription.

PLEA: Guilty.

DISPOSITION: 1-16-62. \$250 fine and probation for 2 years.

6832. (F.D.C. No. 46385. S. Nos. 3-230 R, 45-891 R, 45-900/1 R, 45-917 R, 45-928 R, 45-934 R.)

INFORMATION FILED: 12-19-61, M. Dist. Ga., against Deriso-Park Drugs, Inc., and Frank J. Deriso (president), Sylvester, Ga.

CHARGE: Between 2-13-61 and 5-3-61, *dextro-amphetamine sulfate tablets* were dispensed 4 times and *amphetamine sulfate tablets* were dispensed 3 times without a prescription.

PLEA: Guilty.

DISPOSITION: 4-2-62. Each defendant fined \$500.

6833. (F.D.C. No. 45209. S. Nos. 49-552 P, 49-556 P, 49-560 P, 49-571 P.)

INFORMATION FILED: 4-26-61, W. Dist. Wash., against Myer Michael Grashin, Seattle, Wash.

CHARGE: Between 3-9-59 and 4-28-59, *dextro-amphetamine sulfate tablets* were dispensed 3 times and *pentobarbital sodium capsules* were dispensed once without a prescription.

PLEA: Guilty.

DISPOSITION: 2-19-62. \$3,000 fine, sentence of 1 year in prison suspended, and probation for 31 months.

6834. (F.D.C. No. 45672. S. Nos. 80-421/2 P, 19-321/4 R.)

INFORMATION FILED: 6-30-61, E. Dist. Mich., against Sunset Drugs, Inc., Saul S. Lazar (president) and Bernard C. Le Veque (pharmacist), Flint, Mich.

CHARGE: Between 1-29-60 and 3-23-60, *dextro-amphetamine sulfate tablets*, *Achromycin V capsules*, and *Dextro-Prolongsule capsules* were each dispensed twice without a prescription.

PLEA: Nolo contendere by the corporation and by Lazar to all 6 counts of the information and by Le Veque to 5 counts.

DISPOSITION: 7-20-61. Corporation—\$600 fine; Lazar—\$6 fine; and Le Veque—\$5 fine, all of which fines were suspended.

6835. (F.D.C. No. 46360. S. Nos. 14-750/5 P.)

INFORMATION FILED: 10-19-61, N. Dist. Ill., against Archibald E. Baird, t/a Austin Drug & Truss Co., Chicago, Ill.

CHARGE: Between 7-29-59 and 9-3-59, *dextro-amphetamine sulfate tablets* and *Tuinal capsules* were each dispensed 3 times without a prescription.

PLEA: Guilty.

DISPOSITION: 1-30-62. Sentenced to 90 days in jail and probation for 3 years.

6836. (F.D.C. No. 46022. S. Nos. 11-023/8 R, 11-127/8 R, 11-219/20 R.)

INFORMATION FILED: 8-22-61, W. Dist. N.Y., against 469 Monroe Pharmacy, Inc., and Maurice Liberman (president and pharmacist), Rochester, N.Y.

CHARGE: Between 2-3-61 and 3-7-61, *Dexedrine Sulfate tablets* were dispensed 6 times, and *Seconal Sodium capsules* and *Diuril tablets* were each dispensed twice, upon requests for prescription refills without authorization by the prescriber.

PLEA: Nolo contendere.

DISPOSITION: 12-20-61. Corporation—\$400 fine; Liberman—\$200 fine.

6837. (F.D.C. No. 45564. S. Nos. 28-242/3 R, 29-135/9 R, 30-020 R.)

INFORMATION FILED: 5-31-61, W. Dist. Wis., against Hilton Prescription Pharmacy (a partnership), Fred W. Fries (partner pharmacist), and Aloysius N. Simon (pharmacist), LaCrosse, Wis.

CHARGE: Between 6-24-60 and 7-19-60, *Dexedrine Sulfate tablets* were dispensed 5 times (counts 1-5) and *phenobarbital tablets* were dispensed 3 times (counts 6-8), upon requests for prescription refills without authorization from the prescriber.

PLEA: Guilty by the partnership to all counts; by Fries to counts 1, 3, 5, 6, and 8; and by Simon to counts 2, 4, and 7.

DISPOSITION: 6-20-61. Partnership—\$400 fine; individuals—probation for 18 months.

6838. (F.D.C. No. 44968. S. Nos. 22-339 R, 22-343/4 R, 22-346/7 R, 22-354/5 R, 23-545 R.)

INFORMATION FILED: 1-5-61, W. Dist. Mo., against Simon H. Dolginoff, t/a Troost Drugs, Kansas City, Mo.

CHARGE: Between 3-11-60 and 4-11-60, *Dexedrine Sulfate tablets* were dispensed 4 times and *pentobarbital sodium capsules* and *Dexedrine Spansule capsules* were each dispensed twice without prescription.

PLEA: Guilty.

DISPOSITION: 1-13-61. \$1,200 fine, plus costs.